

# **MINUTES**

## **REGULAR MEETING OF THE NEWTON CITY COUNCIL – OCT. 5, 2010**

The regular meeting of the Newton City Council was held on Tuesday, October 5, 2010 at 7:00 p.m. in the Council Chambers at City Hall with the following present: Mayor Robert A. Mullinax and Council Members Wayne Dellinger, Mary Bess Lawing, Tom Rowe, Bill Lutz, and Mayor Pro Tem Anne Stedman. Council Member Robert C. Abernethy, Jr. was absent from the meeting.

Also in attendance were City Manager Todd Clark, City Attorney Larry Pitts, Assistant City Clerk Gary Herman, City Department Heads, and members of the Management Team. City Clerk Beunice “Bootsie” Roberts was absent from the meeting.

### **ITEM 1. CALL TO ORDER – ROBERT A. MULLINAX:**

Mayor Robert A. Mullinax called the meeting to order and welcomed everyone to the meeting.

### **ITEM 2. OPENING – COUNCIL MEMBER BILL LUTZ:**

Council Member Bill Lutz gave the invocation and led the audience in the Pledge of Allegiance.

### **ITEM 3. APPROVAL OF MINUTES FROM THE SEPTEMBER 21, 2010 REGULAR CITY COUNCIL MEETING:**

A motion was made by Council Member Mary Bess Lawing, seconded by Council Member Bill Lutz, and unanimously adopted to approve the minutes from the September 21, 2010 Regular City Council Meeting as submitted.

### **ITEM 4. CONSIDERATION OF CONSENT AGENDA ITEMS:**

A motion was made by Council Member Mary Bess Lawing, seconded by Council Member Tom Rowe, and unanimously adopted to approve the Consent Agenda Items as submitted.

#### **A. Consideration of Public Fee Structure for ArtFest – October 23, 2010**

#### **B. Consideration of Resolution proclaiming October 3-9, 2010 as Public Power Week in the City of Newton**

Mayor Mullinax stated that the Electric Division works hard year-round, and this special week recognized their efforts.

**Resolution #23-2010**  
**Resolution Proclaiming October 3-9, 2010**  
**as Public Power Week in the City of Newton**

**WHEREAS**, North Carolina's public power communities provide homes, businesses and local government agencies with safe and reliable electricity employing sound business practices designed to ensure the best possible service;

**WHEREAS**, North Carolina's more than 70 public power cities and towns are among more than 2,000 across the country;

**WHEREAS**, many of North Carolina's public power cities and towns have been electric providers for more than 100 years;

**WHEREAS**, public power meets the electric needs of 40 million Americans, almost 15 percent of electricity consumers;

**WHEREAS**, North Carolina's public power utilities are valuable community assets that contribute to the well-being of the community and provide economic development opportunities; and,

**WHEREAS**, North Carolina's public power utilities are dependable institutions that provide excellent service and a commitment to community;

**NOW, THEREFORE, BE IT RESOLVED**, that the Newton City Council hereby proclaims the week of October 3-9, 2010 as Public Power Week in the City of Newton – a week to promote North Carolina's public power cities and towns for their contributions to their communities;

**BE IT FURTHER RESOLVED**, that NC Public Power communities join with all public power systems in the United States in this celebration of public power.

Adopted this 5<sup>th</sup> day of October, 2010.

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Robert A. Mullinax, Mayor

ATTEST:

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Gary L. Herman, Asst. City Clerk

**C. Consideration of Resolution proclaiming October 3-9, 2010 as Fire Prevention Week in the City of Newton**

Mayor Mullinax encouraged everyone to heed the statistics and theme contained in the resolution. The Mayor also urged citizens to change the batteries in their smoke alarms.

**Resolution #24-2010**  
**Resolution Proclaiming October 3-9, 2010**  
**as Fire Prevention Week in the City of Newton**

**WHEREAS**, the City of Newton is committed to ensuring the safety and security of all those living in and visiting our city; and

**WHEREAS**, fire is a serious public safety concern both locally and nationally, and homes are where people are at greatest risk to fire; and

**WHEREAS**, nearly 3,000 people die each year as a result of home fires; and

**WHEREAS**, roughly two-thirds of home fire deaths resulted from home fires in which no smoke alarms or no *working* smoke alarms were present; and

**WHEREAS**, working smoke alarms cut the chance of dying in a reported fire in half; and

**WHEREAS**, the National Fire Protection Association recommends at least one smoke alarm on every level of the home (including the basement) outside all sleeping areas, and in all bedrooms; and

**WHEREAS**, informing the public about the importance of smoke alarm installation and maintenance serves as an essential step toward increasing the public's safety from home fires; and

**WHEREAS**, the City of Newton's Fire Department is dedicated to reducing the occurrence of home fires and home fire deaths and injuries through prevention and proper education; and

**WHEREAS**, the City of Newton's residents are responsive to public education measures and are able to take personal responsibility to increase their safety from fire, especially in their homes; and

**WHEREAS**, the Fire Prevention Week 2010, October 3-9 theme, "Smoke Alarms: A Sound You Can Live With!" actively works to motivate the City of Newton's residents to implement smoke alarm recommendations in their homes;

**NOW, THEREFORE, BE IT RESOLVED** that I, Robert A. Mullinax, Mayor of the City of Newton, do hereby proclaim October 3-9, 2010 as Fire Prevention Week throughout this City, and I urge all people of Newton to protect their homes and families by heeding the potentially life-saving messages of Fire Prevention Week 2010, and to support the many activities and efforts of the City of Newton's fire and emergency services.

Adopted this 5<sup>th</sup> day of October, 2010.

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Robert A. Mullinax, Mayor

ATTEST:

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Gary L. Herman, Asst. City Clerk

**ITEM 5. COMMENTS FROM THE PUBLIC: (PERSONS WANTING TO MAKE A PUBLIC COMMENT ON NON-AGENDA ITEMS ARE REQUESTED TO SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING):**

Mayor Mullinax asked if there was anyone in the audience who wished to speak on a non-agenda item. Reverend Paul Fitzpatrick of Holy Cross Lutheran Church said he would like to provide an "outsider's view" to the City Council since he is from Pittsburgh, PA.

Rev. Fitzpatrick said he believes the Council's job is to manage the finances of the City and to keep things running smoothly. He commended the Council for doing a good job as stewards of the City. Rev. Fitzpatrick said the Council's efforts mean a lot to the people of Newton.

Rev. Fitzpatrick said he would also like to remind the Council that things can happen that could harm a City, noting that he travels NC Hwy. 16 a lot and is afraid the road project could adversely affect communities along the route. Rev. Fitzpatrick said he fears that when the Hwy. 16 project comes through, that Newton may suffer. Rev. Fitzpatrick said there are two kinds of people: those who say they should have done something, and those who say they are going to do something. He said the Council needs to do things correctly so that when the Hwy. 16 project approaches Newton, people will have a good reason to stop in Newton.

Rev. Fitzpatrick concluded his remarks by thanking the Council for being good and wise stewards. He also noted that Newton is a great place to live and he hopes it remains that way.

Mayor Mullinax said that when Rev. Fitzpatrick first became a pastor in Newton, that he made an appointment to speak with the Mayor. Mayor Mullinax also stated that the City of Newton is a proponent of the completion of the Hwy. 16 four-lane project from Little Mountain Road to Abernethy Laurels (7.2 miles). The Mayor said that the City's Planning Staff is preparing for the coming change, and that the Reverend's remarks are much appreciated.

Mayor Mullinax also recognized Andy Rice, Will Rice, Drew Rice, and Isaac Hollar of Boy Scout Troop #238 for their attendance at the meeting.

## **ITEM 6. NEW BUSINESS:**

### **A. EDC Update from Scott Millar**

Mayor Mullinax welcomed Mr. Scott Millar, President of the Catawba County Economic Development Corporation, to the meeting. Mr. Millar commented on the recent Ensure Greater Hickory Classic at Rock Barn golf tournament, and said the tournament brings notoriety to the area as viewers around the world were able to watch it on The Golf Channel and learn more about the area.

Mr. Millar said that Rev. Fitzpatrick's comments provided a good segue way for his presentation, as he believes Catawba County has shown its determination to be a "going to do" community. Mr. Millar also recognized Mr. Joe Beaman, who serves as Newton's representative on the Catawba County EDC's Board of Directors as Vice Chairperson, and was recently asked to fill in for the recently-deceased Chairperson Gary Laws. Mr. Millar said the EDC will miss the leadership of Mr. Laws.

Mr. Millar expressed his congratulations to the City Council for the recent construction of The Green Room Community Theatre's Old Post Office Playhouse in downtown Newton. Mayor Mullinax asked Mr. Millar if there was any information about the new facility on the EDC's website, noting that not many towns can say they have a new \$4 million facility in the downtown area. Mayor Mullinax said he is proud of the Green Room's new facility.

Mr. Millar informed Council that the EDC has submitted Newton sites for 31 potential projects year-to-date, based on leads from the North Carolina Department of Commerce (25 percent of the leads), the Charlotte Regional Partnership (25 percent of the leads), and the local EDC itself (50 percent of the leads). He said there have been 12 new

project visits to sites or buildings in Newton, including the site near the Target Distribution Center, Danner Industrial Park, and other existing buildings.

Mr. Millar mentioned the closing of CommScope in Newton, which is a 455,000 square foot facility. With the building's history of success and its infrastructure, Mr. Millar said he believes there should be a strong interest in the property.

He said that the EDC currently has 11 buildings in Newton on its website, and has three active economic development projects in Newton. Mr. Millar mentioned the recent expansion at Magna, which added 10+ jobs, as well as the clearing under way at the Danner Industrial Park. Mr. Millar said that he has been working with Planning Director/Assistant City Manager Glenn Pattishall and City Manager Todd Clark on a brochure, which is still a work in progress. He distributed draft copies of the brochure to the Mayor and Council.

Mayor Mullinax asked about potential interest near the intersection of NC Hwy. 10 and US Hwy. 321. Mr. Millar said there is some interest in commercial development there, such as a hotel, fuel storage, etc., but nothing final.

Mr. Millar said that the Target Distribution Center has been a great project for Newton and the EDC, as it created over 580 jobs with a 1.7 million square foot facility. He noted that the Target building is 3 ½ times bigger than the Apple facility in Maiden, with a much higher employment.

Mr. Millar said he believes the EDC has been successful throughout Catawba County, but the unemployment rate remains high. He believes the EDC has "kept the boat afloat and gotten it a little turned around." Mr. Millar said diversity is essential for effective economic development. He said the question remains to be, "Where are we going?"

In reference to the high unemployment rate, Mayor Mullinax asked Mr. Millar how local people are receiving assistance to learn essential skills for data center jobs. The Mayor said that Catawba Valley Community College has worked well in the past for job training purposes. Mr. Millar said that data centers don't require a lot of employees, but do need a lot of behind-the-scenes workers (electric, HVAC, etc.) Mr. Millar said it would be beneficial to train people and companies on how to build data centers and infrastructure. Mr. Millar said that CVCC does have some training programs available.

Mayor Mullinax complimented Mr. Millar for his efforts, noting that the City of Newton supports him and the EDC wholeheartedly. The Mayor said he is proud to have Joe Beaman at the helm, but believes the area lost a great man when Mr. Gary Laws passed away.

Mr. Beaman said his role is very fulfilling, and assured the Mayor and Council that they have quality leadership with the EDC. Mr. Beaman also mentioned that Mr. Millar was selected as the North Carolina Economic Developers Association (NCEDA) 2010 Economic Developer of the Year.

## **B. Presentation on Tree City USA Ordinance**

City Manager Todd Clark reported on the City's current efforts regarding a Tree City USA Ordinance. Mr. Clark said that Parks & Recreation Director Sandra Waters presented a report about Tree City USA to the City Council last spring. At that time, Ms. Waters explained the benefits of being a Tree City and recommended application for the program.

Mayor Mullinax said that achieving Tree City USA status in the City of Newton was one of Mr. Clark's stated career goals.

Mr. Clark said that he and Ms. Waters have worked hard to develop a Tree City USA Ordinance while reviewing other cities' ordinances. Mr. Clark said that he and Ms. Waters have prepared a more simplistic ordinance that can be molded to fit the City Council's

wishes. He said that the ordinance establishes a Tree Board with appointments by the City Council. The draft ordinance was included in the City Council agenda packet for review.

Mr. Clark said the City must meet several criteria to become a Tree City, including: 1) adoption of a Tree City Ordinance; 2) appointment of a Tree Board; 3) a Forestry Budget equal to \$2 per capita; and 4) an Arbor Day observance and proclamation.

A motion was made by Council Member Mary Bess Lawing, seconded by Council Member Tom Rowe, and unanimously approved to schedule a Public Hearing for October 19, 2010 to formally consider adoption of the ordinance.

Mayor Mullinax said he read an ordinance that was much more complicated than the proposed one. The Mayor said the proposed ordinance for Newton is good and gives good guidance to the City Council.

Mr. Clark explained the timeline, which includes adoption of the ordinance, appointments to the Tree Board, and a meeting of the Tree Board, all by December 1, 2010. Mr. Clark said he anticipates adoption of the Tree City USA Ordinance at the October 19, 2010 meeting.

### **C. National Incident Management System (NIMS) Presentation**

Fire Chief Kevin Yoder reported on the training requirements of the National Incident Management System. Chief Yoder said that prior to September 11, 2001 there was a variety of Incident Command Systems in use throughout the country. Following 9/11 and the establishment of the Department of Homeland Security, the President directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS).

Chief Yoder said that NIMS has been adopted by Catawba County and all municipalities in the county, including the City of Newton. Chief Yoder said a major component of NIMS is the training of all individuals within City Government who play a vital role in the operation of the City during emergency situations. In order to comply with the current requirements, Chief Yoder said the Mayor and City Council Members must complete the requirements of IS-700 and ICS-100 or ICS-402.

Mayor Mullinax stated that he completed some of the coursework a couple of years ago. Chief Yoder said that all elected officials need to complete IS-700, which provides the framework for the Incident Management System, and will assist with small to large problems. Chief Yoder said the course can be taken at home or the training could be set up at City Hall.

Mayor Mullinax made reference to the water line break on August 24, 2010, and noted that during the last two months that the City of Newton has become very cognizant of the need for this training. The Mayor stated that the coursework is required and it will be completed.

### **ITEM 7. CITY MANAGER'S REPORT:**

City Manager Todd Clark reported on the following:

- Reported that Powell Bill funds were received, totaling \$371,573, which was \$2,126 under budget.
- Reported that the Knights of Columbus was planning a car show, and asked Commercial Development Coordinator Rob Powell to provide further details. Mr. Powell said the Knights of Columbus contacted the City about two

months ago inquiring about holding a car show in downtown Newton on October 9. Mr. Powell said the group previously held the event in the parking lot of St. Joseph's Catholic Church, but there was insufficient room. Mr. Powell said the group was seeking to raise funds and unwrapped toys for kids, most notably Conover School and Special Olympics. Mayor Mullinax encouraged everyone to attend, and noted that downtown restaurants would be open.

- Reported that the Night Crawl 5K Run/Walk was planned for October 23. Mr. Clark said the event will benefit the school system's backpack program.
- Reported that the audit process was almost finished, and anticipated that a report would be made to Council in the next month or two.
- Reported that Finance Director Serina Hinson was working on debit/credit card processing for utility payments. Mr. Clark said he hoped to have additional information by January or February 2011.
- Reported that resurfacing/street overlay bids were to be opened on October 14, and would be included in the October 19 agenda packet.
- Reported that a copy of the Western Piedmont Council of Governments Policy Board Meeting information was given to Council Members. Mr. Clark noted that construction could begin in April 2011 on the WPCOG's new office.
- Recognized Newton Police Lieutenant Mark Beal, who was at the meeting, and noted that Lt. Beal had been accepted to the FBI Academy – a 10-week training program in Quantico, Virginia. Mr. Clark said it is a real honor to be chosen for the academy, and that only 24 applicants from North Carolina were selected. Mr. Clark said the academy is both physically and mentally challenging, and congratulated Lt. Beal on his acceptance into the academy.

**ITEM 8.**      **QUESTIONS AND COMMENTS FROM MAYOR AND COUNCIL:**

Mayor Mullinax said that the second phase of the Greenway is almost complete. Council Member Bill Lutz said it is a good walk.

Mayor Mullinax also reminded everyone about the 5:30 p.m. workshop on October 19 at City Hall to meet with Ann Swallow about the possibility of downtown Newton becoming a National Register Historic District.

**ITEM 9.**      **ADJOURNMENT:**

There being no further business to discuss, a motion was made by Council Member Mary Bess Lawing, seconded by Council Member Tom Rowe, and unanimously approved that the October 5, 2010 meeting be adjourned.

Respectfully submitted by:

Robert A. Mullinax, Mayor

Gary L. Herman, Asst. City Clerk